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07/311,921

E. Calhoun 11-9-90

SERIAL NUMBER 07/311,921 02/16/89 JARVIK R 5402802147

07/311,921 02/16/89 JARVIK

R 5402802147

EXAMINER

WILLSE, D

ART UNIT

PAPER NUMBER

338

16/12

DATE MAILED:

11/15/90

EDGAR H. HAUG
C/O CURTIS, MORRIS & SAFFORD
530 FIFTH AVENUE
NEW YORK, NY 10036

NOTICE OF ALLOWABILITY

PART I.

1. ☒ This communication is responsive to amdt filed 10-26-90
2. ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. ☒ The allowed claims are 52, 53, 55, 56, 61, 62, 64, 65, 67, 68, 70, 71, 73, 74, 76, 77, 79, 80, 82, 83, and 85-89.
4. ☒ The drawings filed on 2-16-89 are acceptable.
5. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received. ☐ not been received. ☐ been filed in parent application Serial No. _____, filed on _____.
6. ☒ Note the attached Examiner's Amendment.
7. ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
8. ☒ Note the attached Examiner's Statement of Reasons for Allowance.
9. ☒ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. ☐ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - a. ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - b. ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - c. ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - d. ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- ☒ Examiner's Amendment
- ☒ Examiner Interview Summary Record, PTOL-413
- ☒ Reasons for Allowance
- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Citation, PTO-1449

- ☐ Notice of Informal Application, PTO-152
- ☐ Notice re Patent Drawings, PTO-948
- ☐ Listing of Bonded Draftsmen
- ☐ Other

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03-3925 030 217

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**NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

- ☐ Note a notice of allowance from the Examiner
☐ If no notice is received, view appropriate communication filed

SERIES CODE SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/311,921	02/16/89	025	WILLSE, D	338 11/15/90
First Named Applicant	JARVIK,	ROBERT K.		

TITLE OF INVENTION: INTRAVENTRICULAR ARTIFICIAL HEARTS AND METHODS OF THEIR SURGICAL IMPLANTATION AND USE

ATTY'S CODE NO.	CLASS-SUBCLASS	BATCH NO	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 5402802147	623-003.000	K45	UTILITY	YES	\$525.00	02/15/91

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY Status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the Status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by a charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.
- III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees.

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Regarding applicant's assertion that the finality of the Office action of May 29, 1990 was premature, the examiner maintains that the errors regarding indefiniteness as to the scope in claims 55-57 did not in themselves warrant withholding of the finality of the action. Such a problem is straightforwardly correctable and merits no additional response by the applicant.

An extension of time under 37 C.F.R. § 1.136(a) is required in order to make an Examiner's Amendment which places this application in condition for allowance. During a telephone conversation conducted on November 6, 1990, Attorney Kilcoyne requested an extension of time for 1 month(s) and authorized the Commissioner to charge Deposit Account No. 03-3925 the required fee of \$215.00 for this extension and authorized the following Examiner's Amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

5ff (On page 1, before "BACKGROUND", insert --This application is

a continuation-in-part of U.S. application serial number

91 B. *gw* *filed February 17, 1988,*
 11-26-90 07/156,896, now abandoned. f-- On page 27, bottom line, "27" has
 N } been replaced by --77--. On page 30, line 14, "10" has been
 N } replaced by --12--. On page 32, line 22 and on page 33, line 3,
 N }

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"roll-sockk" has been replaced by --roll-sock--. On page 36, line 1, "hall" has been capitalized. On page 46, line 27, "30" has been replaced by --300--. On page 57, line 16, "29" has been replaced by --429--. On page 60, line 29, "38A" has been replaced by --38--. On page 61, line 13, --figure-- has been inserted before "36A".

In claim 52, line 6, "the" has been replaced by --a--; on line 17, "pump and bearings" has been replaced by --pumping elements--. In claim 53, line 13, --structured to be-- has been inserted before "immersed", and on lines 18-19, "pump and bearings" has been replaced by --pumping elements--. In claims 64 and 65, line 10, --hub-- has been inserted before "diameter", and on line 11, "of the hub" has been deleted. In claims 82 and 83, line 1, "the" (second occurrence) has been deleted.

The following is an Examiner's Statement of Reasons for Allowance:

None of the cited prior art teach or suggest the blood-immersed mechanical journal bearing means in the pumping device of claims 52 and 53 or the tensioned wire in the configuration of claim 85.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue

Serial No. 311,921

-4-


Art Unit 338

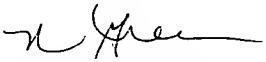
Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chardack: Note particularly the blood-immersed mechanical bearing means 28. (The filing date is December 2, 1988.)

Any inquiry concerning this communication should be directed to Mr. David Willse at telephone number (703) 308-0858.


D. Willse:cm
November 08, 1990


RANDALL L. GREEN
SPE
ART UNIT 338
